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January 28, 2020

Via ECF

The Honorable Sarah Netburn
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *In Re Terrorist Attacks on September 11, 2001*,
No. 03-md-1570-GBD-SN
Ray, et al. v. Islamic Republic of Iran, et al.,
No. 19-cv-00012-GBD-SN

Dear Judge Netburn:

We represent certain of the plaintiffs in the above-referenced action, including plaintiff Ester DiNardo, surviving Parent of Marisa DiNardo-Schorpp.

Unfortunately, Ms. DiNardo passed away in November. Harley DiNardo, her son, was appointed personal representative of Ms. DiNardo's estate by the Circuit Court of Palm Beach County, Florida, Probate Division, on January 22, 2020. Copies of the Letters of Administration are annexed hereto as Exhibit 1. As the Letters of Administration indicate, Ms. DiNardo was known as both Esterina DiNardo and Ester DiNardo.

Pursuant to Rule 25(a), we respectfully request that Harley DiNardo, as Personal Representative of the Estate of Esterina DiNardo a/k/a Ester DiNardo, Deceased, surviving Parent of Marisa-DiNardo-Schorpp, be substituted into the above-referenced action as a plaintiff in place of Ester DiNardo, surviving Parent of Marisa DiNardo-Schorpp. (Mr. DiNardo is also a plaintiff in the *Ray* action in his individual capacity as surviving Sibling of Marisa DiNardo-Schorpp. We represent him in both capacities in this action.)

As set forth in the January 15, 2020 letter to the Court from our co-counsel Timothy Fleming (ECF doc. no. 199 in the *Ray* action), the *Ray* plaintiffs intend to seek a Clerk's Certificate of Default and move for a default judgment immediately after the sixty-day period for Iran to respond to the Second Amended Complaint expires on February 3, 2020, and to submit applications to the United States Victims of State Sponsored Terrorism Fund

O'HARE PARNAGIAN LLP

The Honorable Sarah Netburn
January 28, 2020
Page 2

("VSSTF") for the upcoming round of payments for all qualified *Ray* plaintiffs. In view of the anticipated motion for default judgment and the upcoming February 19, 2020 deadline to submit applications for third-round payments from the VSSTF, we respectfully request that the Court grant the requested substitution as soon as possible.

We thank the Court for its consideration of this request.

Respectfully,

s/Robert A. O'Hare Jr.

Robert A. O'Hare Jr.

cc: All Counsel (via ECF)